

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

ROBYN KRAVITZ, *et al.*

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
COMMERCE, *et al.*

Defendants.

**Case No. 18-cv-01041**

**NOTICE OF FILING SUPPLEMENTAL MATERIALS**

Defendants maintain their position that this challenge to a final agency action is properly reviewed, if at all, on the basis of the administrative record produced by the Department of Commerce on June 8 and 21, 2018. *See* ECF Nos. 25 and 26. However, in response to the July 5, 2018 Order, in *New York v. U.S. Dep't of Commerce*, No. 18-cv-2921 (JMF) [ECF No. 199], a case involving a challenge to the same agency action, Defendants are collecting and producing in that case and its related case, *New York Immigration Coalition v. U.S. Dep't of Commerce*, No. 18-cv-5025 (JMF) (collectively, “the New York Cases”), a broader set of materials than would normally be considered appropriate for an administrative record. This release will take place over two filings this week due to the volume of the additional production. *See* ECF No. 211, *New York v. U.S. Dep't of Commerce*, No. 18-cv-2921 (JMF).

In view of the fact that the present case challenges the same agency decision as that at issue in the New York Cases and that Defendants have filed the same administrative record in both this case and the New York Cases, Defendants are hereby filing the same supplemental materials that were filed in the New York Cases yesterday. Given the volume of these materials and the fact that they are publicly available at <http://www.osec.doc.gov/opog/FOIA/Documents/CensusProd001.zip>, Defendants do not intend to file them directly on the docket. Rather, Defendants will provide the

Court with a courtesy copy of the above-referenced supplemental materials in electronic format. Defendants can also provide plaintiffs' counsel with these materials in electronic format upon request. By this filing, Defendants do not waive any argument that review should be limited to the administrative record already produced and/or that no discovery should be had in this case.

Dated: July 25, 2018

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General

BRETT A. SHUMATE  
Deputy Assistant Attorney General

JOHN R. GRIFFITHS  
Director, Federal Programs Branch

CARLOTTA P. WELLS  
Assistant Director, Federal Programs Branch

/s/ Carol Federighi  
KATE BAILEY  
GARRETT COYLE  
STEPHEN EHRLICH  
CAROL FEDERIGHI  
Trial Attorneys  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave., N.W.  
Washington, DC 20530  
Tel.: (202) 514-1903  
Email: carol.federighi@usdoj.gov

*Counsel for Defendants*